

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MONTANA
HELENA DIVISION**

In re CHAPAROSA

CV-19-36-H-BMM-JTJ

ORDER

United States Magistrate Judge John Johnston entered Findings and Recommendations recommending that this matter should be dismissed. (Doc. 9). Chaparosa did not file objections. The Court reviews for clear error any portion to which no party specifically objected. *McDonnell Douglas Corp. v. Commodore Bus. Mach., Inc.*, 656 F.2d 1309, 1313 (9th Cir. 1981).

Chaparosa filed a document that the Court liberally construed as a complaint. (Doc. 1). Chaparosa was given an opportunity to file an amended complaint to name a defendant and provide a clear statement of his claims. (Doc. 6). Chaparosa filed a response but failed to name a defendant or provide a clear statement of his claims.

Judge Johnston recommended that the matter be dismissed because Chaparosa has failed to list a defendant or provide any facts or clear allegations in violation of Rule 8 of the Federal Rules of Civil Procedure. Judge Johnston also

recommended that leave to amend be denied because amendment would be futile. *See Zucco Partners, LLC v. Digimarc Corp.*, 552 F.3d 981, 988, 1007 (9th Cir. 2009).

The Court finds no clear error in Judge Johnston's Findings and Recommendations. Chaparosa has twice failed to file a complaint which states a claim upon which relief can be granted. Fed. R. Civ. P. 8(a); *Zucco Partners*, 552 F.3d at 1007. The Court agrees that leave to amend would be futile, as Chaparosa failed to list a defendant, provide facts, or detail allegations when given a second chance.

IT IS ORDERED that Judge Johnston's Findings and Recommendations (Doc. 9) are **ADOPTED IN FULL**.

IT IS FURTHER ORDERED that this matter is **DISMISSED** without leave to amend. The Clerk is directed to enter judgment accordingly.

DATED this 18th day of November, 2019.



Brian Morris
United States District Court Judge